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Erik D.N. Monsen

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PITNEY BOWES INC.
35 WATERVIEW DRIVE
MSC 26-22
SHELTON, CT 06484-3000

EXAMINER

FU, HAO

ART UNIT

PAPER NUMBER

3696

NOTIFICATION DATE

DELIVERY MODE

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ELECTRONIC

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

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Office Action Summary	Application No. 10/656,354	Applicant(s) MONSEN ET AL.	
	Examiner HAO FU	Art Unit 3696	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 10 September 2009.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-11 and 23-34 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-11 and 23-34 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Response to Remarks

It appears that the applicants have withdrawn the appeal submitted on 06/10/2009 with the filing of Request for Continued Examination (RCE). The applicants amended all the independent claims by adding the feature, "generating a shipping label for use in delivering the item including the shipment tracking identifier for use with a shipping system".

The examiner reminds the applicants that no Official Notice was cited in the last office action. All claimed features were rejected with references. Therefore, the examiner does not need to provide any additional reference or affidavit.

The examiner has already answered all the arguments in the final office action rejection mailed on 03/10/2009. The examiner will again reinstate the response to applicants' arguments.

Response to Argument

Claims 1, 4-11, 23, and 26-34

1. Ferrier does not teach or suggest generating a shipment tracking identifier

The examiner points out that it is old and well known that the shipping tracking identifier can be generated by the delivery entity, such as USPS or other shipping carrier. Such fact is capable of being immediately appreciated by one of the ordinary skill in the art. The applicant argues that the shipment tracking identifier is not generated by USPS, instead it is generated by an open system postage. The examiner points out the contradictory of applicant's claim and the

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disclosure of the specification. See paragraph 0024, the specification discloses the present invention “allows the buyer, whose payment is typically handled by a third party payment system, to withhold payment to the seller until the item has been tracked by a delivery system to ensure delivery to the buyer. For example, USPS Confirm system may be used to detect delivery of the item.” The summary of invention of the present appeal brief also states that “The indicator (or shipment tracking identifier) is typically generated by an open system postage meter or a closed system postage meter. Also, other tracking mechanisms may be used such as tracking number from the USPS (United States Postal Service) delivery confirmation, bard codes, encrypted indicators, indicators with watermarks or encoding”. It is clear in applicant’s own words that the shipment tracking identifier can be generated by shipping entities, such as the USPS, as an alterative embodiment. Furthermore, the language of the claim does not exclude the use of shipment tracking identifier of USPS. The examiner points out again that Ferrier does teach the prior invention has tracking capability. See paragraph 0062 and 0075 of Ferrier, the prior art teaches the buyer can “check the progress of the delivery through the gateway at any future time using a link provided by the gateway to the delivery entity” and the “gateway also allows the supplier (seller) to have a capability to track and trace the delivery of the goods to the purchaser (buyer)”. Shipment tracking identifier is not only old and well known in the art, it has been widely used by many shipping entities, such as USPS, UPS, FedEx, EMS, and etc. Typically, a shipment tracking identifier is

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generated by the shipping entity for use with a shipping system. The shipment tracking identifier or tracking number is associated with the items to be delivered, the sending party, and the receiving party. Then, the receiving party can monitor the status of delivery through shipping entity's website. It is evident that the applicant is fully aware of such prior art, because it is mentioned in both the specification and the appeal brief. Even without any reference, one of ordinary skill in the art would immediately appreciate the use of shipment tracking identifier in the same manner as claimed by the applicant. The applicant argues that Ferrier teaches away from a shipment tracking identifier since the identifier taught there is not globally unique in a carrier system and therefore could not be used as a shipment tracking identifier. The examiner disagrees with applicant's logic. First of all, the Ferrier reference does not post any limitation that the identifier is not globally unique in a carrier system. Second, globally unique shipment tracking identifier is old and well known. From the examiner's own experience from at least late as 2001, Express Mail Service (EMS) provides globally unique shipment tracking identifier for its International delivery items. For example, when the examiner ordered items from Japan, he received a globally unique shipment tracking identifier, which allowed him to track the status of the delivery through EMS's website. This fact is capable of being immediately appreciated by one of ordinary skill in the art. Since the applicant has amended claim 1 by adding this feature, the examiner will support additional art as evidence. Furthermore, the examiner has conducted a work search on the

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specification, and there is not teaching or suggestion for the shipment tracking identifier to be globally unique. Finally, there is no fact or logical reason to support Ferrier teaches away from using a shipment tracking identifier.

2. The Morimoto reference is not properly combined with the Ferrier reference

In order to support his argument that shipment tracking identifier is old and well known, the examiner cited the Morimoto reference. See paragraph 0069 of Morimoto, "a customer or shipping company may enter in a unique identifier that identifies the goods being shipped, and the database may respond by outputting the data file...during or after the shipping process the data file may be updated to match current conditions. For example, events such as arrival of the item at an intermediary destination, arrival at the final destination, damage to the item during shipment, and confirmation by the recipient of receiving the item may be conveyed to the central server, which may then update the database accordingly." Also see paragraph 0014, which clearly indicates that the unique identifier is equivalent to a shipping tracking number. The applicant, however, argues that the Morimoto reference is not properly combined since it has nothing to do with payment systems. The examiner again disagrees with the applicant's logic. The present invention relates to a payment and delivery system. The Ferrier reference also relates to a payment and delivery system, and the Morimoto reference has to do with delivering an item while providing tracking ability. All three inventions are related to delivery of an item, and thus they are

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reasonable pertinent to the problem being solved. Therefore, the Ferrier reference and the Morimoto reference are properly combined.

3. In Ferrier's system, the recipient had to be present and the recipient had to pay.

The examiner believes that the applicant has not fully reviewed the Ferrier reference. See abstract, paragraph 0035, 0048, and 0049. Ferrier teaches that the buyer "may pay for the goods at time of purchase, where funds are held in an escrow account until authorization by the purchaser to release these funds to the gateway is made at the point of delivery." The prior art discloses that the fund is held prepaid to an escrow account, and it is released only upon delivery of the item. Now, please turn the attention to paragraph 0067 and 0071 of Ferrier. The prior art clearly teaches that the use of escrow account is for the situation when "the purchaser wishes to have goods delivered to a location where no one is available to receive the goods and pay for them. In this situation included in the transaction details would be a transaction value of zero, as on delivery no payment would be required to be paid." As such, Ferrier clearly teaches that the item can be shipped to another location other than buyer's address, and the recipient does not need to be present nor have to pay for the item. In the remarks, the applicant argues that in the present invention, the item is paid for without the escrow mechanism being utilized. The examiner points out that nowhere in the claims have this limitation. The examiner also requests the applicant to point out specifically where in the specification recites such limitation.

4. Dependent claims

Applicant does not explicitly challenge the examiner's rejection on claims 4-11 and 26-34. The applicant merely argues that these claims are patentable over cited references for reasons described in the arguments of independent claims. The examiner has fully addressed all the arguments in the independent claims. Therefore, claims 4-11 and 26-34 stand rejected.

Moreover, with regard to claim 6-8 and 28-30, the applicant argues that there are three claimed configurations of the described system, respectively operated by receiving party, sending party and third party, and the applicant argues that Ferrier does not teach or suggest all three configuration. The examiner disagrees. As understood by the examiner, "operated by" receiving party, sending party and third party, means that all three parties can view and input their part of the information into the system. Ferrier clearly teaches that the third party operates the system throughout the whole reference. In paragraph 0062, Ferrier discloses that purchaser or the receiving party can check the progress of the delivery through the system, and thus teaches or at least suggests that receiving party operates the system. In paragraph 0075, Ferrier also teaches that the supplier or sending party is allowed to track and trace the delivery of the goods through the gateway or the system. Therefore, Ferrier teaches or at least suggests the system can be operated by receiving party, sending party and third party.

Claims 2, 3, 24 and 25

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Applicant does not explicitly challenge the examiner's rejection on claims 2, 3, 24 and 25. The applicant merely argues that these claims are patentable over cited references for reasons described in the arguments of independent claims. The examiner has fully addressed all the arguments in the independent claims. Therefore, claims 2, 3, 24, and 25 stand rejected.

The applicant also argues if the references when combined suggest an inoperative device without giving any rationale. The examiner disagrees with the applicant. Since the applicant does not provide any rationale of such argument, the examiner will not provide further comment.

As for the new feature, "generating a shipping label for use in delivering the item including the shipment tracking identifier for use with a shipping system", the examiner asserts that this feature is old and well known in the art. This has been the standard practice in the shipping industry for more than a decade. A quick search results many prior arts which include this feature. Therefore, the present claims, as amended, are not in the conditions of allowance.

Claim Rejection – USC 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

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Claim 1, 4-11, 23, and 26-34 are rejected under 35 U.S.C. 103(a) as being unpatentable over Ferrier (Pub. No.: US 2005/0177437), in view of Morimoto (Pub. No.: US 2002/0120475), and further in view of Turbeville et al. (Pub. No.: US 2003/0144871).

As per claim 1, Ferrier teaches a computer implemented method for authorizing payment upon delivery of an item to a destination comprising (see paragraph 0002 and 0048; also see paragraph 0064, Ferrier teaches a payment on delivery scheme, and it is commonly known that in such scheme, payment is authorized after buyer receives the item at the final destination):

registering each one of a plurality of receiving parties with a transaction module in the computer (see paragraph 0021, 0022, 0053, 0056, and 0057; “purchaser” is receiving party, and “gateway” is transaction module);

registering each one of a plurality of sending parties with the transaction module in the computer (see paragraph 0021, 0022, 0053, 0056, and 0057; “purchaser” is receiving party, and “gateway” is transaction module);

generating a shipment tracking identifier for use with a shipping system (see paragraph 0022, and paragraph 0062; “transaction identification” or “transaction ID” is identifier, and “transaction identification” is created when order is made; also see 0071 and 0075, it is implied that the identifier has shipment tracking ability);

associating the shipment tracking identifier with a particular sending party, a particular receiving party using the computer (see paragraph 0071, “...a transaction ID, comprising a supplier identification number, purchaser identification number”);

storing data relating to the identifier and the particular sending party in the transaction module in the computer (see paragraph 0071, 0072 and 0100; “transaction ID” is identifier, and “seller” is sending party);

obtaining shipment tracking identifier data at a destination location from the shipping system indicating that the item has arrived at the destination (see paragraph 0064, especially “Here the courier enters the transaction ID, either manually or using a barcode scanner; this procedure is done upon purchaser’s receipt of goods, which suggests it is done at a destination location; also as discussed earlier, it is implied that the transaction identifier has shipment tracking ability);

correlating the shipment tracking identifier data to the particular sending party and the item using the computer (see paragraph 0064, last two sentences, also as

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discussed earlier, it is implied that the transaction identifier has shipment tracking ability);

then, using the computer, authorizing a debit associated with the item from a selected account associated with the particular receiving party to a selected account of the particular sending party (see paragraph 0049 and 0064; it is implied that the authorization of debit is associated with the item; since purchaser can pay for the good using Electronic Funds Transfer, it is implied that the debit is from a selected account associated with the particular receiving party to a selected account of the particular sending party).

Ferrier implies the identifier has shipment tracking ability similar to the present invention. To support examiner's argument that an identifier possessing the shipping tracking ability is prior art to the present invention, additional evidence is given. Examiner notes, Ferrier does not explicitly teach associating a shipment tracking identifier with the item.

Morimoto teaches an identifier which has shipment tracking ability and associating such identifier with the item (see paragraph 0069 "a customer or shipping company may enter in a unique identifier that identifies the goods being shipped, and the database may respond by outputting the data file...during or after the shipping process the data file may be updated to match current conditions. For example, events such as arrival of the item at an intermediary destination, arrival at the final destination, damage to the item during shipment, and confirmation by the recipient of receiving the item may be conveyed to the central server, which may then update the database accordingly; also see paragraph 0014, which clearly indicates that the unique identifier is equivalent to a shipping tracking number).

Morimoto also suggests correlating the shipment tracking identifier data to the particular sending party and the item, and the receiving party (see paragraph 0060, the "unique item identification number", which is a shipment tracking number, is associated with all the relevant information inside the "data file").

Morimoto also implies obtaining shipment tracking identifier data at a destination location from the shipping system indicating that the item has arrived at the destination (see paragraph 0069, Morimoto teaches indicating the item has arrived at the final destination; the shipment tracking identifier data must be obtained at the destination location in order for the system to update the shipping status; USPS, FedEx, and UPS all scan the item to obtain shipment tracking number before handing the item to receiving party at final destination).

It would have been obvious to one of ordinary skill in the art at the time of invention to modify the reference to include that the identifier has shipment tracking ability, and correlating the shipment tracking identifier data to the particular sending party and the item and the receiving party.

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One of ordinary skill in the art would have been motivated to modify the reference in order to employ existing shipping technology to provide shipment tracking of the purchased item.

As for the feature, generating a shipping label for use in delivering the item including the shipment tracking identifier for use with a shipping system, the examiner asserts that this feature is old and well known in the art. This has been the standard practice in the shipping industry for more than a decade.

Turbeville teaches generating a shipping label for use in delivering the item including the shipment tracking identifier for use with a shipping system (see paragraph 0041, especially "every shipping label generated by the distributed user shipping system includes a unique package tracking number. As a package travels through the carrier system to its destination address, the package tracking number is scanned at various carrier stations and routing facilities and a carrier database is updated with information on the progress of the package"). This feature is well understood by one of the ordinary skill in the art, as evident by the fact that almost all the shipping carrier have adopted this feature.

It would have been obvious to one of ordinary skill in the art at the time of invention to modify the reference to include generating a shipping label for use in delivering the item including the shipment tracking identifier for use with a shipping system. One of ordinary skill in the art would have been motivated to modify the reference in order to provide package tracking for a plurality of parties involved in the shipment.

As per claim 4, Ferrier teaches notifying the receiving party that the debit has occurred (see paragraph 0073 and 0087 last sentence).

As per claim 5, Ferrier teaches notifying the sending party that the debit has occurred (see paragraph 0073 and 0087 last sentence).

For claim 6-8 and claim 28-30, the word "operated" is understood as "To exercise one of a collection of activities of a product or feature during the normal course of using its functionality" or simply use the transaction module, as defined in google. The reason for such interpretation is that in applicant's specification, the receiving party clearly does not run or control the transaction module. Both receiving party and sending party must register to use the transaction module implies that none of these party is the "operator" of the transaction module under the common definition.

As per claim 6, Ferrier teaches wherein the transaction module is operated by the receiving party (see paragraph 0015-0039; gateway is equivalent to transaction modules; it is clear that the transaction module is used by the receiving party).

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As per claim 7, Ferrier teaches wherein the transaction module is operated by the sending party (see paragraph 0015-0039; gateway is equivalent to transaction modules; it is clear that the transaction module is used by the sending party).

As per claim 8, Ferrier teaches wherein the transaction module is operated by a third party (see paragraph 0027, "where an entity operating a gateway enables said supplier to provide said purchaser with a payment option via said gateway"; gateway is equivalent to transaction modules; it is clear that the entity operating the transaction module is neither the sending party nor the receiving party, and thus is third party).

As per claim 9, Ferrier does not teach selecting a particular carrier from a plurality of carriers for transporting the item.

Morimoto teaches selecting a particular carrier from a plurality of carriers for transporting the item (see paragraph 0077).

It would have been obvious to one of ordinary skill in the art at the time of invention to modify the reference to include the step of selecting a particular carrier from a plurality of carriers for transporting the item.

One of ordinary skill in the art would have been motivated to modify the reference in order to choose the shipping carrier that most fitting the criteria.

As per claim 10, Ferrier teaches receiving confirmation information from the particular receiving party outside of the shipping system, at the transaction module, confirming satisfactory delivery, prior to the authorization (see paragraph 0067 last sentence and 0090, delivery is "authenticated" or confirmed before payment is authorized; also see 0086, Ferrier discloses in the case of unsatisfactory delivery, receiving party can return unwanted good, which further suggests that delivery is confirmed prior to the payment authorization step; also see paragraph 0048, Ferrier teaches the purchaser contacts the gateway to authorize the release of payment for the items upon delivery; it is implied that the purchase or receiving party also indicates the satisfactory of delivery, because it only make sense for the purchase to authorize the payment if he/she is satisfied with the item and delivery; it is implied that if the purchaser is not happy about the shipment, he/she can just choose not to pay; please also consider COD or Cash On Delivery, which is an old and well known shipping & payment method; also see Fig. 5 and paragraph 0081, both show that purchaser authorize payment through gateway outside of the shipping system).

As per claim 11, herein the identifier is stored as a bar code representation and the obtaining step includes scanning the bar code (see paragraph 0064, especially "Here the courier enters the transaction ID, either manually or using a barcode scanner"; as discussed above, "transaction ID" is identifier, and prior art clearly suggests that identifier is stored as a bar code).

12-22 (canceled).

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As per claim 23, Ferrier teaches an apparatus for authorizing payment upon delivery of an item to a destination comprising (see paragraph 0002 and 0048; also see paragraph 0064, Ferrier teaches a payment on delivery scheme, and it is commonly known that in such scheme, payment is authorized after buyer receives the item at the final destination):

means for registering each one of a plurality of receiving parties with a transaction module (see paragraph 0021, 0022, 0053, 0056, and 0057; “purchaser” is receiving party, and “gateway” is transaction module);

means for registering each one of a plurality of sending parties with the transaction module (see paragraph 0021, 0022, 0053, 0056, and 0057; “purchaser” is receiving party, and “gateway” is transaction module);

means for generating a shipment tracking identifier for use with a shipping system (see paragraph 0022, and paragraph 0062; “transaction identification” or “transaction ID” is identifier, and “transaction identification” is created when order is made; also see 0071 and 0075, it is implied that the identifier has shipment tracking ability);

means for associating the shipment tracking identifier with a particular sending party, a particular receiving party (see paragraph 0071, “...a transaction ID, comprising a supplier identification number, purchaser identification number”);

means for storing data relating to the identifier and the particular sending party in the transaction module (see paragraph 0071, 0072 and 0100; “transaction ID” is identifier, and “seller” is sending party);

means for obtaining shipment tracking identifier data at a destination location from the shipping system indicating that the item has arrived at the destination (see paragraph 0064, especially “Here the courier enters the transaction ID, either manually or using a barcode scanner; this procedure is done upon purchaser’s receipt of goods, which suggests it is done at a destination location; also as discussed earlier, it is implied that the transaction identifier has shipment tracking ability);

means for correlating the shipment tracking identifier data to the particular sending party and the item (see paragraph 0064, last two sentences, also as discussed earlier, it is implied that the transaction identifier has shipment tracking ability);

means for authorizing a debit associated with the item from a selected account associated with the particular receiving party to a selected account of the particular sending party (see paragraph 0049 and 0064; it is implied that the authorization of debit is associated with the item; since purchaser can pay for the good using Electronic

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Funds Transfer, it is implied that the debit is from a selected account associated with the particular receiving party to a selected account of the particular sending party).

Ferrier implies the identifier has shipment tracking ability similar to the present invention. To support examiner's argument that an identifier possessing the shipping tracking ability is prior art to the present invention, additional evidence is given. Examiner notes, Ferrier does not explicitly teach associating a shipment tracking identifier with the item.

Morimoto teaches an identifier which has shipment tracking ability and associating such identifier with the item (see paragraph 0069 "a customer or shipping company may enter in a unique identifier that identifies the goods being shipped, and the database may respond by outputting the data file...during or after the shipping process the data file may be updated to match current conditions. For example, events such as arrival of the item at an intermediary destination, arrival at the final destination, damage to the item during shipment, and confirmation by the recipient of receiving the item may be conveyed to the central server, which may then update the database accordingly; also see paragraph 0014, which clearly indicates that the unique identifier is equivalent to a shipping tracking number).

Morimoto also suggests correlating the shipment tracking identifier data to the particular sending party and the item, and the receiving party (see paragraph 0060, the "unique item identification number", which is a shipment tracking number, is associated with all the relevant information inside the "data file").

Morimoto also implies obtaining shipment tracking identifier data at a destination location from the shipping system indicating that the item has arrived at the destination (see paragraph 0069, Morimoto teaches indicating the item has arrived at the final destination; the shipment tracking identifier data must be obtained at the destination location in order for the system to update the shipping status; USPS, FedEx, and UPS all scan the item to obtain shipment tracking number before handing the item to receiving party at final destination).

It would have been obvious to one of ordinary skill in the art at the time of invention to modify the reference to include that the identifier has shipment tracking ability, and correlating the shipment tracking identifier data to the particular sending party and the item and the receiving party.

One of ordinary skill in the art would have been motivated to modify the reference in order to employ existing shipping technology to provide shipment tracking of the purchased item.

As for the feature, generating a shipping label for use in delivering the item including the shipment tracking identifier for use with a shipping system, the examiner asserts that this feature is old and well known in the art. This has been the standard practice in the shipping industry for more than a decade.

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Turbeville teaches generating a shipping label for use in delivering the item including the shipment tracking identifier for use with a shipping system (see paragraph 0041, especially "every shipping label generated by the distributed user shipping system includes a unique package tracking number. As a package travels through the carrier system to its destination address, the package tracking number is scanned at various carrier stations and routing facilities and a carrier database is updated with information on the progress of the package"). This feature is well understood by one of the ordinary skill in the art, as evident by the fact that almost all the shipping carrier have adopted this feature.

It would have been obvious to one of ordinary skill in the art at the time of invention to modify the reference to include generating a shipping label for use in delivering the item including the shipment tracking identifier for use with a shipping system. One of ordinary skill in the art would have been motivated to modify the reference in order to provide package tracking for a plurality of parties involved in the shipment.

As per claim 26, Ferrier teaches notifying the receiving party that the debit has occurred (see paragraph 0073 and 0087 last sentence).

As per claim 27, Ferrier teaches notifying the sending party that the debit has occurred (see paragraph 0073 and 0087 last sentence).

As per claim 28, Ferrier teaches wherein the transaction module is operated by the receiving party (see paragraph 0015-0039; gateway is equivalent to transaction modules; it is clear that the transaction module is used by the receiving party).

As per claim 29, Ferrier teaches wherein the transaction module is operated by the sending party (see paragraph 0015-0039; gateway is equivalent to transaction modules; it is clear that the transaction module is used by the sending party).

As per claim 30, Ferrier teaches wherein the transaction module is operated by a third party (see paragraph 0027, "where an entity operating a gateway enables said supplier to provide said purchaser with a payment option via said gateway"; gateway is equivalent to transaction modules; it is clear that the entity operating the transaction module is neither the sending party nor the receiving party, and thus is third party).

As per claim 31, Ferrier does not teach selecting a particular carrier from a plurality of carriers for transporting the item.

Morimoto teaches selecting a particular carrier from a plurality of carriers for transporting the item (see paragraph 0077).

It would have been obvious to one of ordinary skill in the art at the time of invention to modify the reference to include the step of selecting a particular carrier from a plurality of carriers for transporting the item.

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One of ordinary skill in the art would have been motivated to modify the reference in order to choose the shipping carrier that most fitting the criteria.

As per claim 32, Ferrier implies means for tracking the item during the transportation of the item from a first location to the destination location (see 0071 and 0075, it is implied that the identifier has shipment tracking ability). To support examiner's argument that an identifier possessing the shipping tracking ability is prior art to the present invention, additional evidence is given.

Morimoto teaches means for tracking the item during the transportation of the item from a first location to the destination location (see paragraph 0069).

It would have been obvious to one of ordinary skill in the art at the time of invention to modify the reference to include means for tracking the item during the transportation of the item from a first location to the destination location.

One of ordinary skill in the art would have been motivated to modify the reference in order to allow users to find out the shipping status of the item.

As per claim 33, herein the identifier is stored as a bar code representation and the obtaining step includes scanning the bar code (see paragraph 0064, especially "Here the courier enters the transaction ID, either manually or using a barcode scanner"; as discussed above, "transaction ID" is identifier, and prior art clearly suggests that identifier is stored as a bar code).

As per claim 34, means for receiving confirmation information from the particular receiving party outside of the shipping system confirming satisfactory delivery prior to authorization (see paragraph 0067 last sentence and 0090, delivery is "authenticated" or confirmed before payment is authorized; also see 0086, Ferrier discloses in the case of unsatisfactory delivery, receiving party can return unwanted good, which further suggests that delivery is confirmed prior to the payment authorization step; also see paragraph 0048, Ferrier teaches the purchaser contacts the gateway to authorize the release of payment for the items upon delivery; it is implied that the purchase or receiving party also indicates the satisfactory of delivery, because it only make sense for the purchase to authorize the payment if he/she is satisfied with the item and delivery; it is implied that if the purchaser is not happy about the shipment, he/she can just choose not to pay; please also consider COD or Cash On Delivery, which is an old and well known shipping & payment method; also see Fig. 5 and paragraph 0081, both show that purchaser authorize payment through gateway outside of the shipping system).

Claim 2-3 and 24-25 are rejected under U.S.C. 103(a) as being unpatentable over Ferrier (Pub. No.: US 2005/0177437), in view of Morimoto (Pub. No.: US

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2002/0120475) and Turbeville (Pub. No.: US 2003/0144871), and further in view of US Patent Number 7,080,044 to Cordery et al.

As per claim 2, Ferrier does not teach wherein the shipment tracking identifier is a postage indicia generated from a closed system postage meter.

Cordery teaches the identifier is a postage indicia generated from a closed system postage meter (see column 1, line 41-64; see column 2, line 48-58 teaches identifier are utilized by both open and closed system postage meter; see column 2, line 8-27 teaches the identifier is generated from a closed system postage meter; Cordery explicitly teaches both open and close system can generate a digital token which contain the postage value; digital token is interpreted as postage indicium, since they both indicate the postage value);

It would have been obvious to one of ordinary skill in the art at the time of invention to modify the reference to specify the identifier is a postage indicium generated from a closed system postage meter.

One of ordinary skill in the art would have been motivated to modify the reference in order to specify the equipments of the invention.

As per claim 3, Ferrier teaches wherein the shipment tracking identifier is a postage indicia generated from an open system postage meter.

Cordery teaches the identifier is a postage indicia generated from a closed system postage meter (see column 1, line 41-64; see column 2, line 48-58 teaches identifier are utilized by both open and closed system postage meter; see column 2, line 8-27 teaches the identifier is generated from a closed system postage meter; Cordery explicitly teaches both open and close system can generate a digital token which contain the postage value; digital token is interpreted as postage indicium, since they both indicate the postage value);

It would have been obvious to one of ordinary skill in the art at the time of invention to modify the reference to specify the identifier is a postage indicium generated from a closed system postage meter.

One of ordinary skill in the art would have been motivated to modify the reference in order to specify the equipments of the invention.

As per claim 24, Ferrier does not teach wherein the shipment tracking identifier is a postage indicia generated from a closed system postage meter.

Cordery teaches the identifier is a postage indicia generated from a closed system postage meter (see column 1, line 41-64; see column 2, line 48-58 teaches identifier are utilized by both open and closed system postage meter; see column 2, line 8-27 teaches the identifier is generated from a closed system postage meter; Cordery explicitly teaches both open and close system can generate a digital token which contain the postage value; digital token is interpreted as postage indicium, since they both indicate the postage value);

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It would have been obvious to one of ordinary skill in the art at the time of invention to modify the reference to specify the identifier is a postage indicium generated from a closed system postage meter.

One of ordinary skill in the art would have been motivated to modify the reference in order to specify the equipments of the invention.

As per claim 25, Ferrier teaches wherein the shipment tracking identifier is a postage indicia generated from an open system postage meter.

Cordery teaches the identifier is a postage indicia generated from a closed system postage meter (see column 1, line 41-64; see column 2, line 48-58 teaches identifier are utilized by both open and closed system postage meter; see column 2, line 8-27 teaches the identifier is generated from a closed system postage meter; Cordery explicitly teaches both open and close system can generate a digital token which contain the postage value; digital token is interpreted as postage indicium, since they both indicate the postage value);

It would have been obvious to one of ordinary skill in the art at the time of invention to modify the reference to specify the identifier is a postage indicium generated from a closed system postage meter.

One of ordinary skill in the art would have been motivated to modify the reference in order to specify the equipments of the invention.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to HAO FU whose telephone number is (571)270-3441. The examiner can normally be reached on Mon-Fri/Mon-Thurs 11:30am-8:00pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, HANI KAZIMI can be reached on (571) 272-6745. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Hao Fu
Examiner
Art Unit 3696

OCT-09

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